

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1, 3, 4, 6-12, and 14- 22 are pending with claims 1 and 17 being independent.

II. Rejections under 35 U.S.C. §103 (a)

Claims 1, 6, 17, 19, and 21

Claims 1, 6, 17, 19, and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen et al. (US 20040102212- hereinafter Sarkkinen) in view of Pirskanen et al. (US20040157640 A1- hereinafter Pirskanen). Applicants respectfully traverse this rejection.

Claim 1 recites a method for initiating uplink signaling by a UE receiving a multimedia multicast/broadcast service (MBMS), the method comprising steps of:

“(a) receiving information including *an indication indicating one of UE counting and establishment of a point-to-point channel used by the MBMS over a MBMS control channel*;

(b) in case a UE is in IDLE mode upon receiving the information including the received indication, transmitting, by the UE, an uplink signaling message for an RRC (Radio Resource Control) Connection establishment constructed *using the received indication*; and

(c) receiving, by the UE, a response message in response to the uplink signaling message.” (emphasis added).

The Examiner cited Sarkkinen as allegedly disclosing “receiving information including *an indication indicating one of UE counting and establishment of a channel over a MBMS control channel*.” However, the Examiner’s allegation is *clearly incorrect* in view of Sarkkinen’s disclosure. More specifically, the Examiner points to paragraph [0064] of Sarkkinen as the basis of the Examiner’s allegation. On the other

hand, the cited paragraph makes it very clear that, as far as receiving information including *an indication* is concerned, a UE (such as the first and second UEs 12 and 14) receives a notification indicating the MBMS service provision (from first and second RNCs 32 and 34).

In more detail, **the MBMS service provision**, which is the only indication received by a UE of Sarkkinen, by definition, is **neither UE counting nor establishment of a channel**. In addition, nowhere does Sarkkinen disclose or suggest that the notification indicating the MBMS service provision is received over **a MBMS control channel**. Therefore, the Examiner's allegation that Sakkinen discloses "receiving information including an indication indicating one of *UE counting and establishment of a channel over a MBMS control channel*" is clearly incorrect.

Since the Examiner's above-noted allegation -- which, as noted above, is incorrect-- is the foundation of the Examiner's rejection theory, the Examiner's rejection theory is therefore incorrect. Accordingly, Sakkinen is not relevant to, and thus does not disclose or suggest, step (a) of "receiving information including an indication indicating one of UE counting and establishment of a point-to-point channel used by the MBMS over a MBMS control channel" (emphasis added), as recited in claim 1.

Similarly, Sakkinen is also not relevant to "the indication". Hence, Sakkinen does not disclose or suggest step (b) of "in case a UE is in IDLE mode upon receiving the information including the received indication, transmitting, by the UE, an uplink signaling message for an RRC (Radio Resource Control) Connection establishment constructed using the received indication" (emphasis add).

Furthermore, Sakkinen is likewise not irrelevant to "the uplink signaling message" (using the received indication). Therefore, Sakkinen does not disclose or suggest step (c) of "receiving, by the UE, a response message in response to the uplink signaling message."

On the other hand, Pirskanen does not cure the above-noted deficiencies of Sakkinen. Accordingly, claim 1 should be allowable over Sakkinen and Pirskanen. The rejection of claim 1 should therefore be withdrawn.

Further, even without regard to the accuracy of the Examiner's above-noted allegation, the Examiner's grounds for rejection are still inapplicable to the claimed subject matter, and thus are incorrect. More specifically, the above-noted allegation does not specify **what type of channel** whose establishment is indicated in the indication. It is apparent that the Examiner realizes this deficiency of the allegation, and tries to use Pirskanen's disclosure of "point-to-point" channels to cure this deficiency of the allegation.

As Applicants pointed out as early as in the April 30, 2010 Amendment, Pirskanen's disclosure of a "point-to-point" channel is not relevant to **"an indication indicating... establishment of a point-to-point channel."** To be more specific, as in fact acknowledged by the Examiner on page 3 of the Office Action, Pirskanen's disclosure of "point-to-point" channels is in the context of UE-counting-related circumstances under which "point-to-point" channels, rather than "point-to-multipoint" channels, are used by RNC to transmit MBMS data. For example, paragraphs [0007] and [0038] of Pirskanen disclose that if, through counting the number of UEs joined or associated with a MBMS service, it is learned that less than x UEs are joined or associated with a MBMS service, then point-to-point channels, rather than a point-to-multipoint channel, may be used to transmit MBMS data.

Hence, there should be no dispute that Pirskanen's disclosure of "point-to-point" channels is unrelated to an indication (received over a control channel) indicating... establishment of a point-to-point channel, as related to the claimed subject matter. As such, Pirskanen does not cure the deficiency of the alleged disclosure of Sarkkinen, even without regard to the accuracy of the above-noted

alleged disclosure of Sarkkinen. Accordingly, claim 1 should be allowable over Sarkkinen and Pirskanen, the rejection of claim 1 should therefore be withdrawn.

Indeed, from another perspective, those skilled in the art simply have no reason to combine Sarkkinen and Pirskanen. To be more specific, the context of Sarkkinen's scheme is associated with a notification indicating the MBMS service provision. By contrast, the context of Pirskanen's scheme is associated with a notification indicating UE Counting. Hence, as far as an associated notification is concerned, their respective schemes are operated in unrelated contexts.

As such, those skilled in the art have no reason to, for example, somehow "merge" their respective unrelated notifications into one newly-defined notification and then "transplant" Sarkkinen's "RRC Connection Request" step and "RRC Connection Setup" step to become the steps triggered by the "merged" notification. Accordingly, also for this reason, claim 1 should be allowable over Sarkkinen and Pirskanen, and the rejection of claim 1 should be withdrawn.

Claim 17 contains subject matter related to that of claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, the rejection of claim 17 should be withdrawn.

The rejection of claims 6, 19 and 21 should be withdrawn at least by virtue of their dependency from claims 1 and 17, respectively.

Claim 21

Further, claim 21 should also be allowable due to its own dependent feature.

More specifically, claim 21 recites "wherein *the uplink signaling message for an RRC Connection establishment* includes a cause corresponding to the received indication" (emphasis added). Sarkkinen, as is relied on by the Examiner, discloses, in relevant part, as follows,

“...FIG. 3 shows ... Finally, the first and second UEs 12, 14 send an RRC connection complete message to the first and second RNCs 32, 34. In this RRC connection complete message, the first and second UEs 12, 14 incorporate a cause value which indicates the reason for requesting the RRC connection setup, i.e. an MBMS service reception activation in the UE. Accordingly, the RRC connection complete message is correspondingly modified.” (emphasis added).

That is, under Sarkkinen’s schem, a UE, after setting up an RRC connection upon a request of the RRC connection, includes a “cause value” in the RRC connection complete message, and transmits the same to an RNC. By contrast, the recitation of claim 21, namely, “... *the uplink signaling message for an RRC Connection establishment* includes a cause ...”, by definition, refers to a message transmitted before completing the RRC connection establishment. Furthermore, Sarkkinen does not teach or suggest “...*a cause corresponding to the received indication*”, as recited in claim 1, as the “cause value” of Sarkkinen merely indicates “*the reason for requesting the RRC connection setup*”, which, by definition, is not relevant to the “*cause corresponding to the received indication*” recited in claim 21.

Accordingly, for the foregoing reasons, claim 21 should also be allowable due to its own dependent feature. The rejection of claim 21 should therefore be withdrawn also for this reason.

Claims 3-4, 7-9, 20, and 22

Claims 3-4, 9, 18, 20 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen, and further in view of Ho (U.S. Pub. No. 2003/0236085 – hereinafter Ho). Claims 7-8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen and Ho, and further in view of Park et al. (US 6782274 B1- hereinafter Park). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen, and further in view of Marjelund et al. (U.S. Patent No. 7,433,334 – hereinafter Marjelund). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen, and further in

view of Koulakiotis et al. (U.S. Patent No. 7,031,694 – hereinafter Koulakiotis) and yet further in view of Marjelund. Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen, and further in view of Koulakiotis, and yet further in view of Marjelund and Van Lieshout et al. (U.S. Patent No. 6,850,759 – hereinafter Van). Claim 16 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sarkkinen in view of Pirskanen, and further in view of Terry (U.S. Pub. No. 2004/0266447) and further in view of Van.

The rejection of claims 3, 4, 7-12, 14, 15, 16, 18, 20 and 22 should be withdrawn at least by virtue of their dependency from claims 1 and 17, respectively and the fact that the cited secondary references, namely Marjelund, Koulakiotis, Terry and Van, do not cure the above-noted deficiencies of Sarkkinen and Pirskanen.

III. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,

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